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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application No.: 10/721,682

Inventors: Michael J. O'Donnell et al.

Docket No.: 14-792C2D1

Filing Date: November 25, 2003

Title: HEAT EXCHANGER TUBE WITH INTEGRAL RESTRICTING AND TURBULATING  
STRUCTURE

I hereby certify that this paper is being deposited today with the U.S. Postal Service as 1st Class Mail addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on April 22, 2005.  
By: John R. Hlavka

MAIL STOP FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

VERIFIED STATEMENT EXPLAINING ERROR IN CONNECTION WITH  
SMALL ENTITY STATUS

Dear Sir or Madam:

This verified Statement is made by the person having personal knowledge to explain how the error in good faith occurred and when it was discovered in connection with the accompanying NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY, for the above-identified Patent Application No. 10/721,682 (hereinafter the "Application").

I, John R. Hlavka, having personal knowledge concerning the above error, declare:

1. I am a member of the intellectual property firm of Watts Hoffmann Co., L.P.A., P.O. Box 99839, Cleveland, Ohio 44199-0839. I am licensed to practice before the U.S. Patent and Trademark Office. My U.S. Patent and Trademark Registration No. is 29,076.

Adjustment date: 04/26/2005 SLUANG1  
12/02/2003 SMINASS1 00000049 10721682  
01 FC:2001 -385.00 OP

04/26/2005 SLUANG1 00000007 10721682  
01 FC:1001 790.00 OP

2. I am responsible for providing intellectual property law services, including the payment of all fees associated with the Application pre-issue and post-issue, for Beckett Gas, Inc., a corporation organized and existing under the laws of the State of Ohio and having a principal place of business at 38000 Taylor Parkway, North Ridgeville, Ohio 44039.

3. Beckett Gas, Inc. is the assignee of record of the Application.

4. On or about October 20, 2004, the issue was first raised as to whether the aggregate number of employees of separate corporate entities associated with Beckett Gas Inc. would relinquish its small entity status. Although a precise determination as to the proper status has not been made, Beckett Gas Inc. in good-faith wishes to take a conservative approach and pay any deficiency owed in accord with 37 C.F.R. § 1.28(c) *et seq.*

5. It is believed by Beckett Gas, Inc. that the aggregate number of employees from Beckett Gas, Inc. and the separately associated corporate entities did not exceed 500 employees until some date after January 1, 1996.

6. The following is an itemization of the deficiency payments paid since January 1, 1996, according to the December 8, 2004 fee schedule, and a total deficiency owed resulting from the change to large entity status:

| <u>Date</u>   | <u>Description</u>   | <u>Paid</u> | <u>Owed</u> |
|---------------|----------------------|-------------|-------------|
| Nov. 25, 2003 | Nonprov. Application | \$385.00    | \$405.00    |

Total deficiency owed: \$405.00.

7. Any error in paying the above listed fees as a small entity was without deceptive or fraudulent intent.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above identified Application.

Date: 4/22/05

John R. Hlavka  
John R. Hlavka  
Reg. No. 29,076